

Kathleen Banar, Chief Trial Attorney
(IL Bar No. 6200597)
Margaret Aisenbrey, Trial Attorney
(Mo Bar No. 59560)
Kim G. Bruno, Senior Trial Attorney
(DC Bar No. 389899)
U.S. Commodity Futures Trading
Commission
1155 21 St. NW
Washington, DC 20581
kbanar@cftc.gov , maisenbrey@cftc.gov,
kbruno@cftc.gov
(202) 418-5335
(202) 418-5987 (facsimile)

Blaine T. Welsh (NV Bar No. 4790)
Assistant United States Attorney
United States Attorney's Office
333 Las Vegas Boulevard, Suite 5000
Las Vegas, Nevada 89101
blaine.welsh@usdoj.gov
(702) 388-6336
(702) 388-6787 (facsimile)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**BANC DE BINARY LTD., E.T. BINARY
OPTIONS LTD., BO SYSTEMS LTD., BDB
SERVICES LTD., and OREN SHABAT
LAURENT (a/k/a OREN SHABAT AND
OREN COHEN)**

Defendants.

)
)
)
) **Civil Action No. 2:13-cv-00992-MMD-VCF**
)
)

) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER FOR**
) **MODIFICATION TO SCHEDULING**
) **ORDER TO EXTEND DISPOSITIVE**
) **MOTION FILING DATE**

) **(Eighth Request)**
)
)
)

WHEREAS, Plaintiff U.S. Commodity Futures Trading Commission (“Commission” or “CFTC”) filed its Complaint against Defendant Banc de Binary Ltd. (“BdB Ltd.”) on June 5, 2013;

WHEREAS, the Court entered a Joint Discovery Plan and Scheduling Order on August 26, 2013 [DE # 40];

WHEREAS, the Court stayed discovery on November 25, 2013 pending resolution of Defendant’s motion to dismiss the Complaint [DE #43], and that stay remained in effect until February 20, 2014 when it was lifted following the Court’s denial of the Defendant’s motion to dismiss [DE #44];

WHEREAS, the Court entered an Amended Scheduling Order on March 7, 2014 [DE # 46];

WHEREAS, the CFTC amended its complaint on May 6, 2014 to add parties ET Binary Options, Ltd.; BO Systems, Ltd.; BDB Services, Ltd.; and Oren Shabat Laurent (a/k/a Oren Shabat and Oren Cohen) (collectively, including BdB Ltd., referred herein as “Defendants”) [DE # 52];

WHEREAS, the Parties filed on May 7, 2014 a Stipulation for Modification of Scheduling Order (Second Request) to extend the discovery deadline date from July 11, 2014 to January 9, 2015, and extend the dispositive motion deadline from August 11, 2014 until February 11, 2015 [DE # 54];

WHEREAS, the Court entered a Modified Scheduling Order on May 8, 2014, which extended the discovery deadline from July 11, 2014 to January 9, 2015, and extended the dispositive motion deadline from August 11, 2014 until February 11, 2015 [DE # 55];

WHEREAS, the Parties filed on October 16, 2014 a Stipulation for Modification of Scheduling Order (Third Request) to extend the deadline for the Plaintiff's expert disclosures from November 7, 2014 to December 5, 2014, and the deadline for Defendant's rebuttal expert disclosures from December 8, 2014, to January 5, 2015 [DE # 69];

WHEREAS, the Court entered a Modification to the Scheduling Order on October 16, 2014, which set a deadline for the Plaintiff's expert disclosures for December 5, 2014, and Defendant's rebuttal expert disclosures for January 5, 2015 [DE # 70];

WHEREAS, on November 20, 2014, Defendants filed a Motion for Partial Summary Judgment [DE # 74]; on November 21, 2014, a Motion for Partial Stay of Discovery [DE # 76]; and on November 22, 2014, a Motion for Protective Order as to certain deposition notices [DE # 77];

WHEREAS, the Commission filed on December 2, 2014 a Motion to Compel Defendants to Produce Documents and Interrogatory Responses ("Motion to Compel") [DE # 80];

WHEREAS, the Commission filed December 5, 2014 a Motion to Extend the Time To Submit Expert Disclosures and Report under the Scheduling Order (Fourth Request) by one week from December 5, 2014 to December 12, 2014 [DE # 81];

WHEREAS, the Court entered an order granting the Commission's Motion to Extend Time to Submit Expert Disclosures and Report from December 5, 2014 to December 12, 2014 [DE # 101];

WHEREAS, on December 15, 2014, the CFTC filed a Motion to Deny or Defer Defendants' Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56(d) [DE # 91]

pending the completion of discovery and to thereafter set a briefing schedule on Defendants Motion for Partial Summary Judgment;

WHEREAS, on December 15, 2014, the CFTC filed its Response in Opposition to the Defendants' Motion for Partial Summary Judgment based upon its Motion to Deny or Defer Defendants' Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56(d) [DE # 92];

WHEREAS, on December 31, 2014, Defendants filed their Response to Plaintiff's Motion to Deny or Defer Defendants' Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56(d) [DE # 96], and their Reply to Plaintiff's Response to Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56(d) [DE # 97];

WHEREAS the Court entered an order on January 15, 2015 denying Defendants' Motion for Partial Stay of Discovery [DE # 101];

WHEREAS, the Court entered an order on February 11, 2015 [DE # 103] denying Defendants Motion for a Protective Order as to the conduct of certain depositions, granting the Commission's motion to compel the production of documents and interrogatory responses, and denying the Commission's request to modify the scheduling order to extend the discovery period (which request was contained within the Commission's motion to compel [DE # 80]) absent the filing by the Commission of a separate motion to modify the scheduling order;

WHEREAS, the Commission filed on February 26, 2015 an Unopposed Motion for Modification of Scheduling Order (Fifth Request) to extend the deadline for the close of discovery from January 9, 2015 until May 6, 2015 in light of the Court's ruling granting the Commission's motion to compel, and to extend the deadline for dispositive motions from February 11, 2015 until June 6, 2015 [DE # 106];

WHEREAS, the Court entered a Modification to the Scheduling Order on March 24, 2015, which set a deadline for the close of discovery of May 6, 2015 and a deadline for dispositive motion of June 6, 2015. [DE # 114].

WHEREAS, the Defendants filed on April 7, 2015 an Unopposed Motion for Modification of Scheduling Order (Sixth Request) to extend the deadline for the close of discovery from May 6, 2015 until May 20, 2015 for the Commission to take the depositions of Defendants, including the deposition of Defendant Oren Shabat Laurent, given their unavailability for earlier deposition, and to extend the deadline for dispositive motions from June 6, 2015 until June 20, 2015 [DE # 117];

WHEREAS, the Court entered a Modification to the Scheduling Order on April 8, 2015, which set a deadline for the close of discovery of May 20, 2105 and a deadline for dispositive motions of June 20, 2015 [DE # 118];

WHEREAS, discovery closed on May 20, 2015;

WHEREAS, the Parties filed on May 20, 2015 a Stipulation for Modification of Scheduling Order (Seventh Request) to extend the dispositive motion deadline by two weeks from June 20, 2015 until July 3, 2015 [DE # 124];

WHEREAS, on June 2, 2015, the Court entered an order granting the Stipulation for Modification to Scheduling Order, setting the dispositive motion deadline for July 3, 2015, and Proposed Joint Pretrial Order deadline for August 6, 2015 [DE # 127];

WHEREAS, the Parties filed on June 9, 2015 a Stipulation for Briefing Schedule on Defendants' Motion for Partial Summary Judgment, to set the deadline for the Commission to submit its response to the Defendants' Motion for Partial Summary Judgment on the same date as the July 3,

2015 due date set for dispositive motions [DE # 129];

WHEREAS, the Court conducted a status hearing with the parties on June 16, 2015 on the Stipulation for Briefing Schedule on Defendants' Motion for Partial Summary Judgment and entered an order, in relevant, (i) denying as moot Plaintiff's Motion to Deny or Defer Defendants' Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56(d); and (ii) granting the stipulation for modification to scheduling order as requested in the Stipulation for Briefing Scheduling, DE # 129, and setting the deadline for the CFTC's response on Defendants' Motion for Partial Summary Judgment for July 3, 2015 [DE # 131];

WHEREAS, due to the Federal Holiday on July, 3, 2015, dispositive motions, including the CFTC's response to the Defendants' Motion for Partial Summary Judgment, are due July 6, 2015;

WHEREAS, the CFTC anticipates filing a motion for summary judgment against all of the Defendants, and filing a Response in Opposition to Defendants' Motion for Partial Summary Judgment;

WHEREAS, the parties currently are engaged in good faith settlement discussions to determine whether or not the case can be settled short of the filing of and/or disposition of summary judgment motions;

WHEREAS, the parties request additional time, fourteen (14) days or until July 17, 2015, to continue to engage in good faith settlement discussions before being required to expend additional time and resources preparing and filing dispositive motions, or a response in opposition to the pending motion and a reply thereto;

FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY STIPULATED by and among counsel for the Commission and counsel for the Defendants that

a. The deadline for dispositive motions, including the deadline for the CFTC to file its response to Defendants' Motion for Partial Summary Judgment, shall be extended by fourteen (14) days, or to and including July 17, 2015, and

b. The deadline for the parties' joint pretrial order shall be extended from August 6, 2015 until August 20, 2015. Any objections thereto shall be included in the pretrial order.

Dated: June 29, 2015

ATTORNEYS FOR PLAINTIFF
U.S. COMMODITY FUTURES
TRADING COMMISSION

By: /s/ Kathleen Banar

Kathleen Banar
(202) 418-5335
(202) 418-5987 facsimile
kbanar@cftc.gov
(Ill. Bar No. 6200597)

Margaret Aisenbrey
(816) 960-7749
(816) 960-7751 facsimile
maisenbrey@cftc.gov
(Mo. Bar No. 59560)

Kim G. Bruno
(202) 418-5368
(202) 418-5987 facsimile
kbruno@cftc.gov
(DC. Bar No. 389899)

U.S. Commodity Futures Trading
Commission
1155 21st Street NW
Washington, D.C. 20581

ATTORNEYS FOR DEFENDANTS
BANC DE BINARY LTD., ET BINARY
OPTIONS LTD., BO SYSTEMS LTD.,
BDB SERVICES LTD., AND OREN
SHABAT LAURENT (A/K/A OREN
SHABAT AND OREN COHEN)

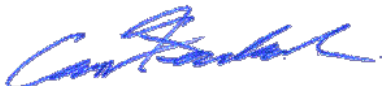
By: /s/ Jeff Ifrah

A. Jeff Ifrah
jeff@ifrahlaw.com
Rachel Hirsch
rhirsch@ifrahlaw.com
David B. Deitch
ddeitch@ifrahlaw.com

IFRAH PLLC
1717 Pennsylvania Avenue
Suite 650
Washington, D.C. 20006
Telephone: 202-524-4140
Facsimile: 202-521-4141

Craig S. Denney
Snell & Wilmer L.L.P.
50 West Liberty Street, Suite 510
Reno, NV 89501
775-785-5440 (office)
775-785-5411 (direct)
775-785-5441 (fax)
cdenney@swlaw.com
(NV Bar No. 6953)

SO ORDERED:



U.S. MAGISTRATE JUDGE

June 29, 2015

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2015, I electronically filed the foregoing **Joint Stipulation and [Proposed] Order for Briefing Schedule On Defendants' Motion for Partial Summary Judgment** with the Clerk of the Court using the CM/ECF system and thereby caused service of the foregoing document via electronic notice on all parties and counsel of record.

June 29, 2015

/s/ Margaret Aisenbrey
One of the Attorneys for Plaintiff